

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NOVASTAR MORTGAGE, INC.,)	
)	Case No. 1:06-CV-00250
Plaintiff,)	
)	Judge Ann Aldrich
v.)	
)	Magistrate Judge Nancy A. Vecchiarelli
JAMES MCKELTON, et al.,)	
)	
Defendants.)	<u>ORDER</u>
)	
)	

Before the court is plaintiff NovaStar Mortgage, Inc.'s ("NovaStar") motion for summary judgment [Docket No. 21]. On June 5, 2006, the Northern District of Ohio issued General Order 2006-16, concerning procedures for foreclosure actions. *In re Procedures for Foreclosure Actions Based on Diversity Jurisdiction*, General Order No. 2006-16 (N.D. Ohio June 5, 2006) ("General Order 2006-16"). General Order 2006-16 governs "all pending foreclosure cases and new foreclosure cases filed in the United States District Court for the Northern District of Ohio." *Id.*, at 1. On June 13, 2006, NovaStar was served with notice of noncompliance with General Order 2006-16, for failure to file a written payment history as required by Section 1.2.2. On June 19, 2006, NovaStar filed a Notice of Filing Payment History [Docket No. 24], which contained a one-page printout of payment activity from September 1, 2005 through June 13, 2006.

However, this payment history does not comply with the requirements of Section 1.2.2 of General Order 2006-16, because it is not "[a] written payment history, *verified by plaintiff's affidavit*, that the amount in controversy (the delinquent mortgage principal) exceeds the monetary jurisdictional amount (\$75,000.00) exclusive of interest, costs and attorneys' fees." General Order

2006-16, Section 1.2.2 (emphasis added). Therefore, the court denies NovaStar's motion for summary judgment without prejudice for failure to comply with the procedures outlined in section I of General Order 2006-16. NovaStar may file a motion for summary judgment after it complies with the procedures outlined in General Order 2006-16. Specifically, an affidavit verifying the written payment history for the mortgage at issue shall be filed no later than July 14, 2006.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: June 29, 2006